

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, September 15, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Office of the County Executive; and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

Council Member Keegan-Ayer moved to approve the agenda as presented. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-16-046 and Subsequent Board of Education Transfer - Budget Office, Office of the County Executive
- #BT-16-047 - Budget Office, Office of the County Executive
- #BT-16-048 - Public Works Division
- #BT-16-049 - Frederick County Board of License Commissioners
- #BT-16-051 - Public Works Division
- #BT-16-052 - Circuit Court
- #BT-16-054 - Developmental Center, Health Services Division
- #BT-16-055 - Housing and Community Development, Citizens Services Division
- #BT-16-056, #BT-15-309, #BT-15-310 and #BT-16-057 - Department of Aging, Citizens Services Division
- #BT-16-058 - Utilities and Solid Waste Management Division

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Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Mr. Chuck Nipe and Mr. Jason Stitt, Public Works Division, provided comments on #BT-16-051.

BUSINESS ITEMS

Confirmation of County Executive's Appointments/Reappointments - Joyce Grossnickle, Office of the County Executive

Ms. Grossnickle presented the appointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments as presented.

Adult Public Guardianship Review Board

Council Member Keegan-Ayer moved to confirm the appointment of Dr. John Brown to fill an unexpired term to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Commission For Women

Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Rosario Campos and Ms. Sharon Dobson for three-year terms to expire June 30, 2018; and to confirm the appointment of Ms. Adrijana Parsell to fill an unexpired term to expire June 30, 2018. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Local Management Board

Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Marsha Nelson-Duncan and Ms. Jenifer Cronin Winkler for three-year terms to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Solid Waste Advisory Committee

Council Member Keegan-Ayer moved to confirm the appointment of Mr. Peter Blood and Mr. Eugene Stanton to fill unexpired terms to expire June 30, 2018; and to confirm the reappointment of Mr. Austin Twigg IV to fill an unexpired term to expire June 30, 2017. Council Member Fitzwater seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Transportation Services Advisory Council

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Roger Boothe and Mr. Neil Essmyer for three-year terms to expire June 30, 2018; and to confirm the appointment of Mr. David Whitaker (Transportation Planner, Planning and Permitting Division) to serve as the Division's representative on the Council with no term assigned. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

First Reading Calendar

**Introduction of Bill to Amend Frederick County Code, Chapter 1-7.1: Ethics –
Council President Bud Otis (On Behalf of County Executive Jan Gardner)**

Mr. John Mathias, County Attorney, briefed the Council on the proposed bill. Mr. Mathias noted the changes were a result of the recommendations from the Ethics Task Force appointed by County Executive Gardner.

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Council Member Chmelik moved to reject the proposed bill. Council Member Delauter seconded the motion that failed 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

The Council will hold a workshop on Tuesday, October 6 to discuss the proposed bill.

(The Council took at break at 5:10 p.m. and reconvened at 7:00 p.m.)

Public Hearing

Second Reading Calendar: To Consider Bill No. 15-10 to Amend Chapter 1-18 of the Frederick County Code (Waters, Sewers and Sewage Disposal) - Council President Bud Otis (On Behalf of County Executive Jan Gardner)

A public hearing was held, as duly advertised, on Bill No. 15-10 regarding an amendment to the county code to establish civil infractions related to water and wastewater infrastructure in Frederick County.

Mr. Kevin Demosky, Utilities and Solid Waste Management Division, briefly reviewed the staff report.

There were no public comments.

Council President Otis noted the Council would hold a workshop on the proposed bill on Tuesday, September 22 at 4:30 p.m.

To Consider a Proposed Business Expansion and Economic Investment Agreement and a Proposed Conditional Loan Agreement with Medimmune, LLC – Helen Prophet, Office of Economic Development

A public hearing was held, as duly advertised, on the Conditional Loan and Business Expansion and Economic Investment Agreements with AstraZeneca/MedImmune.

Ms. Prophet, Ms. Lori Depies, Finance Division and Mr. Richard McCain, Office of the County Attorney, presented the agreements.

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There were no public comments.

Council Member Keegan-Ayer moved to adopt the Joint Conditional Loan Agreement between Frederick County, The City of Frederick and MedImmune, LLC, to support MedImmune's expansion and the creation of 300 new jobs and also to adopt the corresponding resolution. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

(A copy of the adopted/ resolution can be obtained from the county's website <http://www.frederickcountymd.gov/>)

Council Member Keegan-Ayer moved to adopt the Frederick County Business Expansion and Economic Investment Agreement with MedImmune, LLC, to memorialize the county's financial support of the MedImmune expansion and to adopt the corresponding resolution. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

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Public Comments

- Steve McKay
- Tad Thurston

Council Comments

Comments were provided by the Council Members.

Council Member Shreve questioned staff regarding the Council's recent decision on the Monrovia Town Center.

Council Member Shreve moved to rescind the previous motion on the Monrovia Town Center because the data used to make the decision was not accurate. Council Member Delauter seconded the motion that failed 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Adjourn

The meeting adjourned at 8:35 p.m.

Bud Otis, President
County Council